

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

UNITED STATES OF AMERICA

CASE NO. 6:20-CR-00226-01

VERSUS

JUDGE JUNEAU

JONATHAN ALEXANDER RIVERA-GARCIA (01)

MAGISTRATE JUDGE PATRICK J.
HANNA

**REPORT AND RECOMMENDATION ON
FELONY GUILTY PLEA BEFORE THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to Title 28, United States Code, Section 636(b), and with the written and oral consent of the defendant, this matter has been referred by the District Court for administration of guilty plea and allocution under Rule 11 of the Federal Rules of Criminal Procedure.

This cause came before the undersigned United States Magistrate Judge for a change of plea hearing and allocution of the defendant, Jonathan Alexander Rivera-Garcia, on March 29, 2021. The defendant was present with his counsel, Cristie Gibbens. The government was represented by Assistant United States Attorney Craig Bordelon.

For the proceeding, the Assistant United States Attorney, defense counsel, the interpreter, and the court reporter all appeared by videoconference. The defendant was incarcerated at Lafayette Parish Correctional Center and appeared by videoconference. The defendant consented to appearing by videoconference,

and both he and his lawyer explained they had discussed the matter. His image and voice were clear, and the undersigned confirmed he could see and hear the undersigned and the lawyers clearly.

The Court proceeded without the defendant physically present because, during the national emergency created by the novel coronavirus, he could not be physically present without seriously jeopardizing public health and safety. See Proclamation Number 25 JBE 2020 (March 11, 2020); March 16, 2020 Order Regarding Court Operations Under the Exigent Circumstances Created by the COVID-19 Pandemic (as supplemented most recently on March 24, 2021). The Court did not postpone the plea, because the Court found that a delay of the plea would cause serious harm to the interests of justice. Namely, any delay in the proceedings could result in the defendant serving more time in jail than his potential guideline sentence.

After the hearing, and for the reasons orally assigned, it is the finding of the undersigned that the defendant is fully competent, that his plea of guilty is knowing and voluntary, and that his guilty plea to Count 1 is fully supported by a written factual basis for each of the essential elements of the offense.

Additionally, the defendant voluntarily waived the fourteen-day objection period that would otherwise be available under 28 U.S.C. § 636. (Rec. Doc. 29).

Therefore, the undersigned United States Magistrate Judge recommends that the District Court **ACCEPT** the guilty plea of the defendant, Jonathan Alexander Rivera-Garcia, in accordance with the terms of the plea agreement filed in the record of these proceedings, and that Jonathan Alexander Rivera-Garcia be finally adjudged guilty of the offense charged in Count 1.

THUS DONE AND SIGNED in chambers, at Lafayette, Louisiana on this 22nd day of April, 2021.



PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE